

Chem Watch

Asbestos contractors protest exclusion of 'legacy' uses from TSCA assessment

Eight nearly identical comments received on scoping documents

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Consultants involved in asbestos abatement are protesting against the US's Environmental Protection Agency decision to exclude "legacy installed" building materials from its risk evaluation under the new Toxic Substances Control Act (TSCA).

The EPA's interpretation of the 2016 TSCA amendments is that risk assessment should focus on "current and prospective uses".

However, eight nearly identical comments argued that "the most prevalent source of asbestos exposure to the general public in the US" is from existing, deteriorating building materials that contain the substance.

The letters were submitted after the agency published final framework rules and "scoping documents" for the first ten substances subject to risk evaluation under TSCA. The EPA reopened comment "to allow for the public to provide additional data or information that could be useful to the agency in conducting problem formulation, the next step in the process of conducting the risk evaluations".

Workers exposed to old asbestos products during maintenance and construction activities suffer high incidences of mesothelioma, comments said, and destruction of buildings during natural disasters "occasion massive exposures to impacted American citizens during rescue, clean-up and rebuilding efforts".

Richard Haffey, president of Mystic Air Quality Consultants in Groton, Connecticut, went further in his comments, claiming that excluding "legacy" installations of asbestos from consideration under TSCA endangers the viability of other laws with asbestos rules. Those include Superfund, the Clean Air Act and the Asbestos Hazard Emergency Response Act, which requires cleanup of asbestos in school buildings.

In addition, he said, "history teaches that once these legacy materials are judged 'irrelevant' and are removed from the calculus of regulated human exposure, manufacturers and distributors of those [materials] will relentlessly challenge compensation claims".

Further comments

The deadline for comments was 19 September. The Halogenated Solvents Industry Alliance (HSIA) submitted its complaints about the science behind the EPA's parallel proposals to ban two uses of trichloroethylene (TCE).

The EPA received no significant additional comments on the other substances under review, which include:

- 1-bromopropane;
- 1,4-dioxane;
- pigment violet 29;
- carbon tetrachloride;
- cyclic aliphatic bromide cluster (HBCD);
- methylene chloride;
- n-methylpyrrolidone (NMP); and
- tetrachloroethylene (also known as perchloroethylene).

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